

32. (New) The method according to claim 21, wherein said nucleic acid sequence encodes both the TAP-1 molecule and a TAP-2 molecule.

33. (New) The method according to claim 31, wherein said viral vector encodes both the TAP-1 molecule and a TAP-2 molecule.

34. (New) A method of enhancing a cytotoxic T-lymphocyte response in an organism to tumor cells which express low to non-detectable levels of peptide/MHC class 1 complexes on the cell surface, comprising:

introducing into the organism, at a location into or near the tumor cell a plasmid vector encoding a TAP-1 molecule into in a manner which causes uptake by said tumor cells of said plasmid vector, resulting in the expression of TAP-1 in said tumor cells.

35. (New) The method according to claim 31, wherein said plasmid vector encodes both the TAP-1 molecule and a TAP-2 molecule.

#### **REMARKS / ARGUMENTS**

By the present amendment, claims 1, 3, 7-8, 14, 17-20, 22-24, 27 and 29-30 have been cancelled, claims 21, 25-26 and 28 have been amended and new claims 31-35 have been added. Claims 21, 25-26,

28 and 31-35 are currently pending in the application. The amendments to the claims have been made without prejudice and without acquiescing to any of the Examiner's objections. Applicants reserve the right to pursue any of the deleted subject matter in a further divisional, continuation or continuation-in-part application. The amendment does not contain new matter and its entry is respectfully requested.

The Official Action dated June 27, 2006 has been carefully considered. It is believed that the following comments represent a complete response to the Examiner's rejections and place the present application in condition for allowance. Reconsideration is respectfully requested.

#### Double Patenting

The Examiner has indicated that claims 1, 7, 14, 17-19, 21-23 and 26-29 are rejected for obviousness-type double patenting over claims 1-10 of U.S. Patent No. 6,361,770. Of these claims, only claims 21 and 26 remain pending in the application. Applicant submits that the claims as presented herein are not covered by the claims of U.S. Patent No. 6,361,770. If the Examiner adopts the position that the claims as amended are still subject to a rejection for obviousness-type double

patenting, Applicant is willing to consider filing a terminal disclaimer.

35 USC 112, first paragraph (Enablement)

The Examiner has rejected claims 1, 3, 7-8, 14 and 17-30 under 35 USC 112, first paragraph, for lack of enablement. Applicant notes that claims 1, 3, 7-8, 14-20, 22-24, 27 and 29-30 have been cancelled. In response to the rejection over the remaining claims, Applicant submits the following remarks.

Examiner's remarks

The Examiner has identified the following scope of enablement (at Page 4 of the Final Action): 1) methods of augmenting a CTL response in a mammal to tumor cells expressing a low or nondetectable level of peptide/MHC class 1 complexes on the cell surface comprising ex-vivo introduction of a nucleic acid encoding TAP-1 into the tumor cells followed by introduction of the tumor cell into the mammal and 2) methods of augmenting a CTL response in a mammal to tumor cells expressing a low or nondetectable level of peptide/MHC class 1 complexes on the cell surface comprising introducing a viral vector encoding TAP-1 into or near the tumor cell. This scope of enablement is considered non-exhaustive, as both the Examiner and Applicant have identified other methods enabled by the disclosure.

In response, Applicant has amended claim 21 and added new claims 31 and 34 to reflect the scope of enablement described by the Examiner. Dependent claims have been cancelled or modified accordingly to reflect the amended and new claims. In particular, all claims directed to methods of enhancing an immune response to a viral antigen have been cancelled.

In light of the above, Applicant submits that the pending claims are fully supported by the application.

In light of the above, Applicant respectfully requests that the rejection to the claims, pursuant to 35 U.S.C. 112, first paragraph, for lack of enablement, be withdrawn.

35 U.S.C. 102 rejections

Spies et al. (1992)

The Examiner has rejected claims 1, 3, 7-8 and 19 under 35 U.S.C. 102(b) as being anticipated by Spies et al. (1992) Nature, Vol. 355, 644-646. As the claims in question have all been cancelled, Applicant respectfully submits that this rejection be withdrawn.

Powis et al. (1991)

The Examiner has rejected claims 1, 3, 7-8 and 19 under 35 U.S.C. 102(b) as being anticipated by Powis et al. (1992) Nature, Vol. 354, 528-531. As the claims in question have all been cancelled, Applicant respectfully submits that this rejection be withdrawn.

**Conclusion**

In view of the above amendments and remarks, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicants' undersigned attorney may be reached at 416-307-4161. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

  
Attorney for Applicants

Registration No. 57777

Orin Del Vecchio  
Lang Michener LLP  
P.O. Box 747, BCE Place  
Suite 2500, 181 Bay Street  
Toronto, ON, Canada M5J 2T7  
Tel: 416-307-4161  
Fax: 416-304-3868  
E-Mail: odelvecchio@langmichener.ca  
Web: www.langmichener.ca